

FILED: April 15, 2021

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 21-1305
(2:18-mc-00364-DCN)

In re: SERVOTRONICS, INC.

Petitioner

O R D E R

In its petition for a writ of mandamus dated March 19, 2021, Servotronics, Inc. requested that we direct the district court “to promptly rule” on its renewed application, filed on May 10, 2020 under 28 U.S.C. § 1782, for assistance in connection with an arbitration in the United Kingdom, which is scheduled to begin May 10, 2021. After receiving a response to the petition, we communicated with the district court to afford it the opportunity to rule before we considered Servotronics’ petition. In response, the district court issued an order staying its proceedings pending the Supreme Court’s decision in *Servotronics, Inc. v. Rolls-Royce PLC*, No. 20-794, 2121 WL 1072280 (U.S. March 22, 2021), where the

Supreme Court granted certiorari to review a decision from the Seventh Circuit, *Servotronics, Inc. v. Rolls-Royce PLC*, 975 F.3d 689 (7th Cir. 2020), that arose from the same incident and that addressed the same issue that underlies the petition here.

The petition before us arises out of Servotronics' application to the district court under 28 U.S.C. § 1782 to obtain testimony from three Boeing employees residing in South Carolina for use in a pending arbitration in the United Kingdom. The district court denied Servotronics' application, concluding that § 1782 was not applicable to a private arbitration. By a decision dated March 30, 2020, we reversed the district court's order and remanded for the court to conduct proceedings on Servotronics' application. *Servotronics, Inc. v. Boeing Co.*, 954 F.3d 209 (4th Cir. 2020). Since the issuance of that decision, however, the district court has conducted no further proceedings, despite Servotronics' renewed application filed on May 1, 2020, and its subsequent "Request for Ruling" filed on January 6, 2021.

While we recognize that the Supreme Court has determined to review the Seventh Circuit's decision on the same issue that we addressed in our earlier decision, our mandate remains in force until the Supreme Court rules otherwise. Moreover, to stay proceedings, as the district court seeks to do, could render moot our decision, as the UK arbitration remains scheduled to begin on May 10, 2021, despite efforts to postpone it.

Accordingly, we now grant Servotronics' petition for a writ of mandamus and direct the district court to issue, without delay, the subpoenas to the witnesses within

its jurisdiction and take their testimony for use in the UK Arbitration.

Entered at the direction of Judge Niemeyer with the concurrence of Chief Judge Gregory and Judge Harris.

Ordered this 15th day of April, 2021.

For the Court

/s/ Patricia S. Connor, Clerk